

**HAMILTON COUNTY GENERAL HEALTH DISTRICT
PUBLIC RECORDS POLICY
Adopted February 14, 2011 by the Hamilton County Board of Health**

I) Purpose:

The Hamilton County General Health District maintains various records that are utilized to support the accountability of the Government. In accordance with Ohio Revised Code 149.38 and the Hamilton County Records Commission, the Hamilton County General Health District has adopted Schedules of Records and Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received or sent under the jurisdiction of the Health District which document the organization, functions, policies, decisions, procedures, operations or other activities of the agency. The Board of Health of the Hamilton County General Health District has adopted a Public Records Policy to ensure all Public Records responsive to the request are promptly prepared and made available for inspection to any person at all reasonable times during regular business hours.

II) Scope:

- a) Each office, department or division that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
- b) Each Health District office has a copy of the public records policy. R.C.149.43 (E)(2).
- c) This Public Records Policy, as well as the schedules of Records Retention and Disposition (RC-2) for each Health District office is available at every location in which the public may access public records. Copies of all RC-2's and the Public Records Policy are available on the Health District website at <http://www.hamiltoncountyhealth.org>
- d) All Health District offices display a poster that describes the availability of public records at every location in which the public may access the records.

III) Fees:

The Hamilton County General Health District, in accordance with Section 149.43(B)(6) of the Revised Code, has established the following fees for providing copies of reproductions of public records maintained by its offices:

Media	Cost
a) Paper (sizes 8/5x11 through 11x17)	\$ 0.10 per page for black & white copies 10 B&W copies or less- <u>no charge</u>
b) VHS/DVD	\$ 0.15 per page for colored copies \$ 5.00 per
c) CD-R	\$ 0.30 per

GIS Pricing	Cost
a) Standard paper map (“E”size sheet) (includes street centerlines, parcel boundaries, water lines, sewer lines, streams, contours, spot elevations)	\$10.00
b) Standard “E” size paper with photo (included above, plus aerial photo)	\$15.00
c) Standard paper map (11x 17)	\$ 0.75

Digital Information	Cost
a) ArcView Shapefiles (entire county)	\$25.00

IV) Availability:

- a) All public records maintained by the Health District office shall be promptly prepared and made available for inspection to any person during regular business hours (R.C. 149.43 (B)(1)). Promptness is determined by the facts and circumstances of each public records request.
- b) The person requesting records must identify those records with sufficient clarity to allow staff to identify, retrieve and review the records. For the purpose of enhancing staff’s ability to identify requested records, provide for prompt inspection and copies of the requested items in a reasonable period of time, the Health District may ask for the request in writing. Staff will assist the requester if necessary.
 - 1) Although staff may ask for the request in writing, for the requester’s identify and may inquire about the intended use of the information requested, the requester shall be advised that:
 - i) A request in writing is not mandatory; and
 - ii) The requester’s refusal to make a request in writing or to identify themselves or the intended use of the information does not impair their right to inspect and/or receive copies of the public record.
 - 2) Any person, including corporations, individuals and governmental agencies may request public records and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- c) In the event a request is made to inspect and/or obtain a copy of a record maintained by the Health District offices whose release may be prohibited or exempted by either State or Federal law, the person submitting the request shall be advised that their request is being reviewed to ensure that protected and/or exempted information is not improperly released and provided an estimate of when the records will be available for release if they may be released in whole or in part.

- d) Copies will be provided in the form in which they exist – if it is an electronic file, staff can provide a copy of the electronic file, etc. Staff is not required to convert files to a different format or create a report of the requested information if the report does not currently exist.

V) Public Records Requests:

Upon receiving a request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code, the Health District shall promptly respond to the request.

- a) A staff person will evaluate the request and estimated the length of time required to gather the records, taking into account the volume of records, the proximity of the record storage and the necessity for any legal review of the records requested. The requester will be advised that advance payment may be required prior to providing copies of public records, and in addition, if mailed, the fee shall include the cost of postage. R.C. 149.43(B)(7).
- b) When the Health District receives a request and it involves faxing a single copy, it can be faxed without charging a fee. If the request involves copying more than one page, staff will make the copies and the requester can pick them up with a fee of 10 cents per copy. If staff is asked to mail the copies, postage will be added to the copy fee and the copies will be mailed after the fee is received.
- c) When practical, staff may forward copies of records by any other means reasonably acceptable to the requester.
- d) If the request is for a file that will require a significant amount of time to copy, staff can determine a reasonable pick-up date, inform the requester that the copies will be provided, and give the requester the date the copies can be picked up. If it is a large file, payment for the copies must be received prior to copying.
- e) If a request is voluminous, housed in an off-site location or will require legal review, an acknowledgement letter will be prepared. This letter will include: the estimated number of business days to satisfy the request; estimated cost if copies are requested; and any items that may be exempt from disclosure. Any denial will include an explanation including legal authority.
- f) Persons seeking copies of public records are not permitted to make their own copies of the requested documents by any means. R.C. 149.43(B)(6).

VI) Response and Denials:

- a) Requests for inspection and/or copies of public records that are not maintained by the Hamilton County General Health District or any Health District office shall be replied to in writing. The response shall state that these records are not kept by the Health District; the requested records have been disposed of according to the Schedules of Records Retention and Disposition (RC-2) or pursuant to Application of One Time Records

Disposal (RC-1); or that in accordance with R.C. 149.40, the Health District is under no obligation to create records to meet the records request.

- b) If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that staff cannot reasonably identify what public records are being requested, every reasonable attempt will be made to assist the requester by informing them, via the Health District's RC-2, what records are retained by the agency and the manner in which they are retained.

VII) Denial of a Record Maintained by the Hamilton County General Health District:

The Hamilton County General Health District may deny a request for a record maintained by the Hamilton County General Health District if:

- a) The record that is requested is prohibited from release due to applicable State or Federal law, including but not limited to:
 - 1) Attorney-client privileged information and trial preparation records.
 - 2) Social Security numbers.
 - 3) Records of ongoing investigations.
 - 4) Medical records.
 - 5) Bureau of Motor Vehicle records.
 - 6) Records that a judge ordered to be sealed per a statute.
 - 7) Child Fatality Review Board records.
 - 8) Emergency Planning documents.
 - 9) Medical Reserve Corp volunteer data.
 - 10) Peace officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker or corrections officer, Residential and Familial Information (RC. 149.43 (A)(7)).
 - 11) The Health District may limit to ten the number of public records mailed to the requester unless the requestor certifies in writing they do not intend to use the records for commercial purposes.
 - 12) The Health District will not provide copies of public records that are created or received after the requester's original request is completed.
- b) As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the Hamilton County General Health District shall provide the requester with an explanation including legal authority, setting for why the request was denied.

VIII) Redacting Exempted Records/Procedure:

- a) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code. (R.C. 149.43 (A)(11);
 - 1) A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if Federal or State law authorizes or requires a public office to made the redaction (R.C. 149.43 (B)(1).

- 2) If a request is ultimately denied, in part or in whole, the Agency Director shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied (R.C. 149.43 (B)(3).
- b) If a public record contains information that is exempt from the requirements for public disclosure or copying the public record, the Agency Director shall make available the information within the public record that is not exempt.
- c) When making a redacted document available for public inspection or copying, the Agency Director shall notify the requester of any redaction or make the redaction plainly visible (R.C. 149.43 (B)(1).
- d) The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
- e) The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record and maintained in accordance with the retention period established for the original document.

IX) Remedy: Grievances

- a) If a person allegedly is aggrieved due to being denied access to inspect a public record or due to being denied a copy of the public record, the person shall be advised that they may:
 - 1) Contact the Hamilton County General Health District at 946-7800.
 - 2) If the person is not satisfied after contacting the Hamilton County General Health District, they shall be advised that Ohio Revised Code Section 149.43 provides a legal means for addressing their complaint in these disputes (R.C. 149.43 (C)(1)(2).

X) Training and Education:

The Hamilton County General Health District continues to update and address all education, training, disclosure, and policy requirements mandated by Ohio Laws.

XI) Interpretation:

It is the intention of the Board of Health of the Hamilton County General Health District and its employees to at all times comply in good faith with the requirements of the Ohio Records Law. This policy will be interpreted and applied to conform to Ohio law and all requirements thereunder.